

Appl. No. 10/780,164
Amdt. dated 02 August 2005
Reply to Office action of 2 May 2005

REMARKS:

Submitted herewith is a general power of attorney signed by the assignee of record.

In the Claims:

Claims 1-24 are pending in the application. Claims 1-5 and 19-21 have been rejected, claim 22 has been allowed, and claims 6-18 have been objected to in the Office Action. Applicants acknowledge and thank the Examiner for allowing claim 22 and for indicating the allowable subject matter of claims 6-18. Applicants now cancel claim 1 without prejudice of re-presenting the subject matter thereof, now rewrite claim 2 in independent form including all of the limitations of the base claim and without changing its original scope, and now add claims 23 and 24, which are believed to distinguish over Walker.

35 U.S.C. 102(b) Rejections

Claims 1-5 and 19 have been rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,972,546 (the "546 patent") to Walker. (Office action at p. 2.) Applicants respectfully submit that neither claim 2 as originally filed, nor claim 19 is anticipated by Walker. To anticipate under 102(b) a reference must contain each and every element of the claimed invention. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631: 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987); MPEP 2131. Applicants respectfully submit that Walker lacks at least the "bearing member" limitation as claimed. More specifically, claim 2 as originally filed requires that "the web extends at least partially around the bearing member." Similarly, claim 19 requires "a web extending at least partially around . . . the bearing member." Contrarily, the webbing (14) does not extend around the bearing(s) (38) in Walker, at all. Rather, the bearing(s) (38) in Walker "bear against the inner surfaces of the

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support track flanges 26 so as to support the round bar 30 . . . across the seat belt aperture 24." (Col. 3, ll. 17-20.) In short, these bearings (38) support the round bar (30) in the frame channel housing portion (21), and are not in contact with the webbing (14). Indeed, neither the drawings nor the specification in Walker state, teach or otherwise suggest that the webbing (14) comes into contact with the bearing(s) (38), at all, much less that the webbing (14) "extends at least partially around the bearing." For this reason alone, claims 2 and 19 are distinguishable over Walker, as are claims 3-18 which depend from claim 2. Accordingly, applicants respectfully request reconsideration and withdrawal of the rejections of claims 2-5 and 19, and the allowance of claims 2-19.

35 U.S.C. 103(a) Rejections

Claims 20 and 21 have been rejected as being unpatentable over Walker in view of U.S. Patent No. 5,311,653 (the "653 patent") to Merrick. As noted above, Walker does not teach extending the web at least partially around the bearing. Accordingly, these rejections are moot. Moreover, there is no teaching in either reference to combine the references. Accordingly, for the above reasons, Applicants respectfully request reconsideration and withdrawal of the rejections.

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Conclusion

The rejections are respectfully traversed and reconsideration of same and passage of the application to issuance is respectfully requested. It is also respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response and shortages in fees (including excess fee charges), other than issue fees, be charged, or any overpayment in fees be credited, to the Account of Barnes & Thornburg, Deposit Account No. 10-0435 with reference to file 2835-73827. The Examiner is respectfully encouraged to call the undersigned to discuss this case.

Respectfully,

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